

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 12.6.2204, 12.6.2208, and)
12.6.2215 pertaining to exotic species)
classification)

TO: All Concerned Persons

1. On May 28, 2015, the Fish and Wildlife Commission (commission) published MAR Notice No. 12-443 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 618 of the 2015 Montana Administrative Register, Issue Number 10.

2. The commission has amended the following rules as proposed: ARM 12.6.2208 and 12.6.2215.

3. The commission has amended the following rule as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

12.6.2204 SPECIFIC REQUIREMENTS FOR CARE AND HOUSING OF EXOTIC WILDLIFE (1) through (2)(a) remain as proposed.

(b) Live fish ~~animals listed under this section~~ may not be transferred into or out of the facility.

(c) Live shrimp may not be transferred out of the facility.

(c) through (f) remain as proposed but are renumbered (d) through (g).

(3) remains as proposed.

AUTH: 87-5-702, 87-5-704, 87-5-705, 87-5-712, MCA

IMP: 87-5-705, 87-5-707, 87-5-709, 87-5-711, 87-5-712, MCA

4. The commission has thoroughly considered the comments and testimony received. A summary of the comments received and the commission's responses are as follows:

COMMENT #1: The commission received one comment in support of the prohibited recommendation for the African Soft Fur/Natal Rat.

RESPONSE #1: The commission appreciates the participation in this rulemaking process.

COMMENT #2: The commission received one comment expressing general concern regarding exotic species and the negative impacts that may occur without the regulation of importation of exotic species.

RESPONSE #2: The commission is also concerned about the impacts of exotic species and evaluates all risks associated with exotic species being imported into the state.

COMMENT #3: The commission received one comment that supported the prohibited recommendation for African Soft Fur/Natal Rat, but opposed the controlled recommendation for the Pacific White Shrimp. The comment suggested that the classification for Pacific White Shrimp should be prohibited instead of controlled due to concerns that the Pacific White Shrimp would have similar impacts to the Mysis Shrimp that were released into Flathead Lake.

RESPONSE #3: Unlike Mysis Shrimp, the Pacific White Shrimp will not survive in the freshwaters of Montana. The controlled status also only allows the Pacific White Shrimp to be held in self-contained systems with no connection to open water; additionally the shrimp will not be allowed to leave the facilities alive and facilities will have to comply with all permit requirements. The commission does not agree that the Pacific White Shrimp poses the same risks as the Mysis Shrimp, and therefore believes the controlled status is sufficient.

COMMENT #4: The commission received one comment requesting information about the risk and threat of the two species in Montana.

RESPONSE #4: The primary concern with Pacific White Shrimp is their ability to introduce pathogens that could potentially infect other aquatic organisms. Not enough information exists on the African Soft Fur/Natal Rat to understand the potential impacts of wild colonies of these rodent species in Montana, but there are concerns regarding the rat's ability to spread human pathogens.

COMMENT #5: The commission received one comment recommending a language change to the proposed rule amendments to allow for the importation of Pacific White Shrimp larvae into the production facilities.

RESPONSE #5: The commission amended the language from the original proposal to allow for the importation of Pacific White Shrimp larvae into production facilities.

/s/ Aimee Fausser
Aimee Fausser
Rule Reviewer

/s/ Dan Vermillion
Dan Vermillion
Chairman
Fish and Wildlife Commission

Certified to the Secretary of State August 17, 2015